

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

IN RE: PAUL EDWARD ALLEN

Case No. 10-75683-SCS
Chapter 13

Debtor(s)

NATIONSTAR MORTGAGE, LLC

Movant,

v.

PAUL EDWARD ALLEN

Debtor(s)

And

R. CLINTON STACKHOUSE, JR., CHAPTER 13 TRUSTEE,
Respondents,

NOTICE OF AMENDED MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NATIONSTAR MORTGAGE, LLC (Movant) has filed papers with the Court to terminate the automatic stay in the above captioned case.

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE)

If you do not wish the Court to grant the relief sought in the motion, or if you want the Court to consider your views on the motion, then within fourteen (14) days from the date of service of this motion, you must file a written response explaining your position with the Court at the following address:

Wm. C. Parkinson, Jr.
Wm. C. Parkinson, Jr., P.C.,
Counsel for NATIONSTAR MORTGAGE, LLC
5310 Markel Road, Suite 200
Richmond, Virginia 23230
(804) 288-9026 VSB No. 14765

1. Clerk of Court, United States Bankruptcy Court, 600 Granby Street, Room 400, Norfolk, Virginia 23501.

2. If you mail your response to the Court for filing, you must mail it early enough so that the Court will receive it on or before the expiration of the fourteen-day period.

3. You must mail a copy to:

Wm. C. Parkinson, Jr.
Wm. C. Parkinson, Jr., P.C.
5310 Markel Road, Suite 200
Richmond, Virginia 23230

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

NATIONSTAR MORTGAGE, LLC

Dated: April 26, 2013

/s/ Wm. C. Parkinson, Jr.

BY: _____
Wm. C. Parkinson, Jr.
Wm. C. Parkinson, Jr., P.C.
Counsel for NATIONSTAR MORTGAGE,
LLC
5310 Markel Road, Suite 200
Richmond, Virginia 23230
(804) 288-9026
VSB ID NO. 14765

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Notice Of Amended Motion for Relief From Automatic Stay was mailed or sent electronically this April 26, 2013, to the parties on the attached service list.

/s/ Wm. C. Parkinson, Jr.

Paul Edward Allen
P.O. Box 3724
Virginia Beach, VA 23454

R. Clinton Stackhouse, Jr. Ch 13 Trustee
7021 Harbour View Blvd., Suite 101
Suffolk, VA 23435

Steve C. Taylor, Esq.
Law Offices of Steve C. Taylor, P.C
133 Mt. Pleasant Road
Chesapeake, VA 23322

UNITED STATES BANKRUPTCY COURT
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IN RE: PAUL EDWARD ALLEN

Case No. 10-75683-SCS

Debtor(s)

Chapter 13

NATIONSTAR MORTGAGE, LLC

Movant,

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PAUL EDWARD ALLEN

Debtor(s)

And

R. CLINTON STACKHOUSE, JR., CHAPTER 13 TRUSTEE,

Respondents,

AMENDED MOTION FOR RELIEF FROM STAY

The amended motion of NATIONSTAR MORTGAGE, LLC, hereinafter referred to as (the “Movant”) respectfully represents as follows:

1. That the court has jurisdiction over this contested matter pursuant to 28 U.S.C. Section 157 and Section 1334 and 11 U.S.C. Section 362; Federal Rule of Bankruptcy Procedure 9014; and Local Bankruptcy Rule 4001(a)-1;
2. That on December 2, 2010, the defendant debtor(s) filed in this Court a Petition under Chapter 13 of the United States Bankruptcy Code, whereupon an Order for Relief was entered;

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Counsel for NATIONSTAR MORTGAGE, LLC
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3. That R. Clinton Stackhouse, Jr. is the duly appointed Chapter 13 Trustee for the Debtor(s) bankruptcy estate.

4. That Movant is the owner, holder and in possession of a certain deed of trust note endorsed in blank secured by a deed of trust upon a parcel of real property (hereinafter "the Property") with the address of 8260 Gygax Road, Norfolk, Virginia 23505 and more particularly described in the Deed of Trust dated May 8, 2007 and recorded as Instrument Number 070019153 among the land records of the City of Norfolk, Virginia, as:

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON, LYING, SITUATE AND BEING IN THE CITY OF NORFOLK, VIRGINIA, AND KNOWN, NUMBERED AND DESIGNATED AS LOT 435, AS SHOWN ON THAT CERTAIN PLAT ENTITLED "MAP OF PROPERTY OF OAKDALE FARMS SECTION B", WHICH SAID PLAT IS DULY RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE, VIRGINIA IN MAP BOOK 26, AT PAGE 40

5. That the Movant is informed and believes, and, based upon such information and belief, alleges that title to the Property is currently vested in the name of the Debtor(s).

6. That Movant is the owner, holder and in possession of a certain deed of trust note endorsed in blank which is secured by a certain deed of trust encumbering the aforesaid property, which note has an outstanding principal balance of \$127,223.05 as of the date hereof;

7. That at the time the Debtor filed for relief under Chapter 13 on December 2, 2010, he was due for his June 2010 through December 1, 2010 payments with a total

pre petition arrearage of \$12,020.37 as more particularly set forth in the Proof of Claim No. 2-1 filed with this court.

8. That defendant debtor(s) is/are in default with regards to payments which have become due under the terms of the aforementioned note and deed of trust since the filing of the Chapter 13 petition.

The Debtor(s) are due for: April 1, 2012 and subsequent months

13 Post petition monthly payments of \$1,064.67 each	\$13,840.71
Attorney Fees of	550.00
Court Costs of	176.00
Suspense Balance of	-\$1,062.95
Total	\$13,503.76

9. That the Movant has elected to initiate foreclosure proceedings on the Property with respect to the deed of trust, but is prevented by the Automatic stay from going forward with these proceedings;

10. That defendant debtor(s) is/are unable to afford adequate protection due Movant and neither he/she/they nor his/her/their estate has grounds to resist the entry of an order terminating the stay aforesaid;

11. That cause exists to terminate the stay aforesaid;

12. That Movant is being injured by its inability to proceed against property securing the indebtedness due to the automatic stay provided in 11 U.S.C. Section 362.

WHEREFORE, Movant prays for an order granting relief from the Automatic Stay in order to pursue its remedies under the terms of the Note, the Deed of Trust and

the laws of the Commonwealth of Virginia including but not limited to its right to foreclose, that the fourteen (14) day waiting period imposed by F.R.B.P. 4001(a)(3) be waived, for its attorney fees and costs expended, and for granted such other and further relief as this Court and equity deem proper.

DATED at Richmond, Virginia, April 26, 2013.

NATIONSTAR MORTGAGE, LLC

/s/ Wm. C. Parkinson, Jr.

By _____

Wm. C. Parkinson, Jr.
Wm. C. Parkinson, Jr., P.C.
Counsel for NATIONSTAR
MORTGAGE, LLC
5310 Markel Road, Suite 200
Richmond, Virginia 23230
(804) 282-0456 VSB 14765

NOTICE

Please take notice that the Respondent Debtors herein is required to file an answer to this Amended Motion within fourteen (14) days of this date of service hereof with the Clerk of Court, United States Bankruptcy Court, 600 Granby Street, Room 400, Norfolk, Virginia 23501.

If you do not file a written response by the deadline shown, the law provides that the stay protecting you from further legal action against you by this Creditor will automatically terminate.

NATIONSTAR MORTGAGE, LLC

/s/ Wm. C. Parkinson, Jr.

By _____

Wm. C. Parkinson, Jr.
Wm. C. Parkinson, Jr., P.C.
Counsel for NATIONSTAR
MORTGAGE, LLC\
5310 Markel Road, Suite 200
Richmond, Virginia 23230
(804) 282-0456 VSB 14765

CERTIFICATE

I hereby certify that a true copy of the foregoing Amended Motion for Relief From Automatic Stay and Notice was mailed or sent electronically April 26, 2013 to the parties on the attached service list.

/s/ Wm. C. Parkinson, Jr.

Wm. C. Parkinson, Jr.

Paul Edward Allen
P.O. Box 3724
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